IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 13747 of 2005

Between:

Kamani Kotaiah, S/o K. Subbaiah,
Tangutur (V) & (M), Prakasam District.

..... PETITIONER

AND

1. Manager, Sree Lethotamma Ammavari Devasthanam,
   Ananthavaram Village, Tangutur Mandal, Prakasam District.
2. The Assistant Commissioner, Endowment, Ongole, Prakasam

District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus directing the respondent No.1 not to disturb the possession of the petitioner over the land bearing survey No. 91 in an extent of Ac. 7.06 cents in Unnamvarikunta at Ananthavaram Village, Tangutur Mandal, Prakasam District and not to damage the crop "Subabul" which is raised by me in the above said land till the end of lease ie., 2007.

Counsel for the Petitioner: MR.G.RAMA SARMA

Counsel for the Respondent Nos.1 and 3: GP FOR ENDOWMENTS

The Court, at the stage of admission, made the following:

ORAL ORDER:

This writ petition is filed for a direction to the first respondent not to disturb the petitioners' possession over land bearing Sy.No.91 in an extent of Ac.07-06 cents in Unnamvarikunta at Ananthavaram Village, Tangatur Mandal, Prakasham District, belonging to Sri Lethotamma Ammavari Devasthanam.

According to the petitioner, he entered upon the land as the cultivating tenant on the basis of a lease granted to him by the first respondent for the years 2004-05 to
2006-07, on payment of an advance of Rs.25,416 per acre and pursuant to the notice issued in this behalf by the first respondent, dated 11-01-2005, the petitioner claiming to have raised certain plantation on the leased land and suffered some economic misfortune, sought time to deposit the lease amount and on time being granted, he deposited the amounts. Now, the lands are being put to auction subverting his leasehold rights obtained from the first respondent and thus this writ petition seeking the reliefs already adverted to.

At the admission hearing, the learned counsel for the petitioner is unable to

establish the authority of the
first respondent for granting a lease to the petitioner, of the endowments institution lands. Under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003, the lease of any property of an endowment institution shall be by public auction unless otherwise permitted by the executive authority and the lease is required to be confirmed by the Commissioner of Endowments.

There is no place or role under the above Rules for the first respondent to have dealt with the lands of the Devasthanam. Therefore, any assurance given to the petitioner by the first respondent is without any legal effect or force.

On the aforesaid facts and circumstances, the petitioner has no legal defence to resist the action of the respondents in seeking to auction the leasehold rights of the lands of the Devasthanam or to resist any steps taken by the respondents to evict the petitioner.

Writ petition is without merits and is accordingly dismissed.

_____

07-07-2005.

Lrkm.

To

1. Manager, Sree Lethotamma Ammavari Devasthanam,
   Ananthavaram Village, Tangutur Mandal, Prakasam District.
2. The Assistant Commissioner, Endowment, Ongole, Prakasam

District.

3. The Government Pleader for Home, High Court Buildings,

High Court of A.P., Hyderabad (O.U.T).

4.. 2 CD copies.